

EXHIBIT C

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IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF WYOMING

STEPHANIE WADSWORTH, Individually and as Parent and Legal
Guardian of W.W., K.W., G.W., and L.W., minor children;
and MATTHEW WADSWORTH,

Plaintiffs,

vs. No. 2:23-CV-00118-NDF

WALMART, INC. AND JETSON ELECTRIC BIKES, LLC,

Defendants.

VIDEOTAPED DEPOSITION OF CORYN KREMERS
TAKEN ON BEHALF OF THE PLAINTIFFS
ON MAY 31, 2024, BEGINNING AT 9:26 A.M.
IN BENTONVILLE, ARKANSAS
REPORTED BY KERRI PIANALTO, CCR

APPEARANCES:

By Zoom on behalf of the PLAINTIFFS

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Also present for Walmart: Matthew Moncur

Videographer: Payton Dawson

1 have been involved in sourcing product through Jetson.

2 MR. LAFLAMME: Rudy, are you at a good breaking
3 point?

4 MR. AYALA: Yeah. I was going to say, let's
5 take a few minutes. I'm sure the court reporter certainly
6 could use it. How's coming back at 12:15? That's about
7 ten minutes.

8 MR. LAFLAMME: Ten minutes is fine.

9 MR. AYALA: Okay. Thanks.

10 THE VIDEOGRAPHER: We are off the record at
11 11:06 a.m.

12 (Short break from 11:06 a.m. to 11:17 a.m.)

13 THE VIDEOGRAPHER: We are back on the record at
14 11:17 a.m.

15 Q (BY MR. AYALA) Ma'am, does Walmart have a
16 relationship with Testcoo Laboratories? That's
17 T-e-s-t-c-o-o?

18 A That organization is not one of Walmart's
19 approved laboratories.

20 Q Are you aware that that organization, that
21 laboratory is where Jetson would have its third-party
22 inspections, annual inspections for purposes of
23 certification of UL 2272 performed on hoverboards?

24 MR. LAFLAMME: Object to form, mischaracterizes
25 prior testimony. Go ahead.

1 A I would not have visibility to who Jetson uses
2 for ongoing inspections relating to their UL 2272 listing.

3 Q (BY MR. AYALA) And in particular in taking the
4 deposition of their corporate representative, Mr. Hussein
5 testified that Testcoo is where this particular product
6 was inspected for purposes of UL 2272. You're not aware
7 of that?

8 MR. LAFLAMME: Same objections. Go ahead.

9 A No. Walmart simply requires the product to
10 meet, in this instance to be listed, against UL 2272. The
11 conditions surrounding that, we don't have any knowledge
12 of.

13 Q (BY MR. AYALA) Okay. And what, as you say, the
14 conditions, but what Testcoo either does or doesn't do for
15 purposes of satisfying the UL 2272 certification
16 requirements, Walmart is unaware of?

17 A Correct.

18 Q Walmart's testing program has no specific
19 requirements that a product be UL 2272 inspected and
20 tested in the United States?

21 A No, sir. Walmart simply requires the product to
22 be listed against UL 2272. We understand that those
23 listing bodies have presences all across the globe.

24 Q Walmart has no specific requirements relating to
25 unapproved third-party lab organizations as it relates to

1 UL 2272 certification, correct?

2 MR. LAFLAMME: Object to form. Go ahead, if you
3 understood it.

4 A I don't know if I understood that question.

5 Q (BY MR. AYALA) Sure. Walmart does not endeavor
6 to research or audit any unapproved third-party lab
7 organizations to determine whether they satisfy UL 2272
8 requirements as a test product, correct?

9 A I'm still not sure I understood the question.
10 Walmart requires the product that we're purchasing,
11 specifically in this instance hoverboard, to be listed
12 against the UL 2272 standard. Evidence of that listing,
13 including the organization that listed it, are reviewed by
14 a Walmart third-party approved laboratory as part of our
15 testing program. Beyond that, we have no interactions
16 with any individual manufacturer's facility audits.

17 Q Who at Intertek is the point of contact for
18 Walmart as it relates to testing and inspection of Jetson
19 hoverboards?

20 A I don't know if Intertek has any specific
21 individual who manages a relationship with Jetson. That
22 would be a question better suited for Intertek.

23 Q Who at SGS is the point of contact as it relates
24 to testing and inspection of Jetson hoverboards?

25 A Again, Walmart's relationship with third-party

1 confirmed no impact. If you have it, I'm happy to review
2 it.

3 Q Have you seen this recall notice put out by the
4 CPSC relating to the Jetson Rogue model that we've been
5 talking about?

6 A I can see it on your screen. I've seen our
7 indication in our files that we reviewed it for impact.

8 Q Okay. But you don't remember sitting here today
9 that the hazard listed by the CPSC that led to this recall
10 was that the lithium-ion battery pack could overheat
11 posing a fire hazard?

12 A I do not recall that, but I do see that that's
13 what's stated on this press release.

14 Q Okay. Prior to this recall, which has a recall
15 date of March 30th, 2023, prior to this recall, were you
16 familiar with CPSC safety alerts or warnings relating to
17 hoverboards?

18 A I believe we have seen CPSC guidance on
19 lithium-ion battery-containing products like
20 micro-mobility products. Walmart has -- has been
21 responsive to that guidance. We require in absence of
22 regulatory requirement that the product not only meet
23 those safety standards intended to address these types of
24 products but are listed against them.

25 Q Okay. For instance, in November of 2017, CPSC

1 issued a safety alert relating to hoverboard safety and in
2 particular it related to the risk of fire associated with
3 the lithium-ion batteries. Are you familiar with that
4 safety alert?

5 A I do believe I recall that safety alert. Again,
6 if you have it up, I'm happy -- or if you have it
7 available, I'm happy to review it with you.

8 Q This was previously marked as Exhibit 54 to
9 Mr. Hussein's deposition. It's a CPSC safety alert titled
10 Hoverboard Safety Alert. Have you ever seen this before?
11 And I can scroll down if you'd like me to.

12 A Yeah, could you zoom in just a little? It's
13 really tiny on my screen.

14 Q Sure.

15 A Perfect. Could you scroll down to the bottom of
16 the document?

17 Q And it's two pages. I can go to the next page
18 if you'd like me to.

19 A Yes. Yes, I believe I've seen this document
20 before.

21 Q Would you have received it in the same or
22 similar manner as you receive some of those recall notices
23 by way of email from the CPSC?

24 A That I can't answer. I don't know if we would
25 have picked that up from the CPSC site or if it would have

1 been sent. CPSC has a subscription service that we
2 subscribe to where they send us recall announcements and
3 press releases to our team inbox. I'm unsure if this
4 would have been sent through that channel or not.

5 Q What, if anything, did Walmart do in response to
6 receipt of this CPSC safety alert from November of 2017?

7 A Walmart has required that the product that we
8 sell, specifically hoverboards that are at issue today, be
9 listed to UL 2272 even prior to this guidance from the
10 CPSC.

11 Q Do you know when the UL 2272 certification was
12 initiated or created?

13 MR. LAFLAMME: Did you say when?

14 MR. AYALA: Yes, sir.

15 A Are you asking for when the standard was
16 developed or when Walmart began requiring it?

17 Q (BY MR. AYALA) First when the -- when this --
18 these guidelines or "standard" by UL 2272 was implemented?

19 A I am not aware.

20 Q And when did Walmart begin to require
21 hoverboards to be UL 2272 certified or compliant?

22 A I believe we've had that in our program
23 requirements since late 2016, early 2017.

24 Q Do you understand that UL 2272 -- well, strike
25 that.

1 This safety alert states that there have been
2 more than 250 self-balancing scooter hoverboard incidents
3 relating to fires or overheating. This is at least as of
4 November 2017 when they put out the safety alert. Were
5 you, meaning Walmart, aware of instances of hoverboard
6 fires or overheating as of this date?

7 A I can't answer to when Walmart might've become
8 aware. We're a very large organization. I think Walmart
9 took a position late 2016, early 2017 to proactively in
10 absence of a regulatory requirement adopt a Walmart
11 standard requiring these types of product to be listed to
12 2272, which is the industry safety standard.

13 Q Why did Walmart take that stance?

14 A I have no information regarding how that
15 decision was made. I wasn't part of the team at that
16 time. It's not documented.

17 Q As the senior director of the U.S. product
18 safety and compliance program for the last two and a half
19 years and as a prior associate or manager of the U.S.
20 product safety and compliance team, would you have been
21 aware, regardless of exactly when, but would you have been
22 aware of all of these instances of hoverboard fires and
23 overheating?

24 A I don't know what you mean by all of these
25 instances. Walmart is aware of potential overheating

1 associated with the batteries used in these types of
2 product. We have proactively in absence of regulatory
3 requirements adopted a Walmart standard requiring these
4 products to be listed against the industry safety standard
5 as a result.

6 Q Well, what I'm referring to as all of these
7 instances is what the CPSC has described as more than 250
8 hoverboard incidents. Would you have been aware that
9 those incidents relating to fires or overheating in
10 particular related to the lithium-ion batteries that were
11 manufactured in China?

12 MR. LAFLAMME: Object to form.

13 A I don't know if Walmart would have any
14 information regarding any of the source of the component
15 parts of products that are alluded to in this 250
16 incidents by the CPSC.

17 Q (BY MR. AYALA) Walmart didn't do anything to
18 investigate further what the CPSC was referring to more
19 than 250 incidents of fires and overheating in
20 hoverboards, correct?

21 A Since Walmart has -- had already at the time of
22 this alert proactively adopted a requirement for product
23 that we were selling to be listed against the standard, I
24 don't know as a retailer that we have any expertise to do
25 anything further.

1 Q Okay. Despite not knowing whether as a retailer
2 Walmart has the expertise to do anything further, Walmart
3 did not do anything further, correct?

4 MR. LAFLAMME: Object to form.

5 A Walmart -- Walmart continues to require that the
6 product we sell be listed against UL 2272, which is the
7 industry safety standard for these types of product that
8 are battery-powered.

9 Q (BY MR. AYALA) Yes, ma'am. But you stated that
10 Walmart did that even before this safety alert went out,
11 correct?

12 A Correct.

13 Q I must have missed your response.

14 A I'm sorry, I said correct.

15 Q Okay. And so my question was, what, if
16 anything, Walmart did following receipt of this safety
17 alert from the CPSC?

18 A We continued to drive a requirement for products
19 sold by Walmart to be listed against the industry accepted
20 safety standard.

21 Q In reviewing this CPSC safety alert relating to
22 hoverboards, did Walmart do anything to gain any type of
23 clarification on this last bullet point on the screen that
24 states that even UL 2272 compliance cannot guarantee that
25 a hoverboard will not overheat or catch fire?

1 MR. LAFLAMME: Are you asking her if that's what
2 the document states?

3 MR. AYALA: No. I'm asking her if Walmart did
4 anything further to investigate that assertion by the
5 CPSC?

6 A Walmart doesn't have the expertise to
7 investigate component level failures in product that we're
8 making available for sale. We continued to require
9 voluntarily that all the product in our assortment met --
10 not only met, but was listed against UL 2272. We have
11 engaged with the CPSC, they understand our position. We
12 would have been responsive to any additional guidance or
13 recommendations from the CPSC, but we continue to rely on
14 our suppliers and manufacturers and their expertise in
15 supplying these products.

16 Q (BY MR. AYALA) But Walmart did not reach out to
17 any of its approved labs to confirm whether or not this
18 statement by the CPSC was true, that even with UL 2272
19 compliance, the hoverboard could still catch fire or
20 overheat, correct?

21 A Walmart did not reach out to further investigate
22 that statement by the CPSC. We continue to drive a
23 listing requirement for our product against UL 2272. Had
24 there been additional guidance provided either from CPSC
25 and based on their safety expertise or any of our

1 manufacturers and suppliers, we would have been responsive
2 to that guidance. We have not received any.

3 Q Was it concerning to Walmart that even with a UL
4 2272 certification that the hoverboards, including those
5 sold at Walmart, could still overheat and catch fire?

6 MR. LAFLAMME: Object to form. Go ahead.

7 A As a retailer, Walmart has taken a proactive
8 stance to ensure that our -- that the products that we're
9 selling are listed against and compliant with the industry
10 safety standard. We don't have the expertise to
11 understand what beyond being responsive to those industry
12 standards or to regulatory guidance in this space would be
13 appropriate.

14 Q (BY MR. AYALA) I appreciate that answer, ma'am,
15 but it doesn't answer my question. My question to you
16 was, was Walmart concerned as it received and reviewed
17 this CPSC safety alert that even with a UL 2272
18 certification that hoverboards, including those sold at
19 Walmart, could still overheat or catch fire?

20 MR. LAFLAMME: Object to form, asked and
21 answered. Go ahead.

22 A As a retailer, Walmart is dependent upon the
23 expertise that existed either within the industry standard
24 setting group, in this instance UL, or the CPSC in
25 assessing effectiveness of a standard. We continue to

1 require the product in our assortment to be listed against
2 UL 2272 which continues to be the recognized safety
3 standard for these product.

4 Q (BY MR. AYALA) But Walmart was satisfied that
5 if the hoverboards it was selling were UL 2272 certified,
6 that they were safe enough to list and continue to sell at
7 Walmart brick and mortars as well as online?

8 MR. LAFLAMME: Object to form. Go ahead.

9 A Walmart has proactively adopted a requirement
10 for all the product in our assortment to be listed against
11 the industry safety standard which is UL 2272 for this
12 product. We have not received any guidance from the
13 regulatory authority, in this case CPSC, or UL advising
14 any alternate standard that would apply or updates that
15 were necessary.

16 Q (BY MR. AYALA) So Walmart only makes changes to
17 the safety requirements of products sold if a regulatory
18 authority requires it?

19 A Walmart doesn't have the expertise to assess
20 safety standards across the broad assortment of product
21 that we're making available for sale. If a supplier felt
22 like UL 2272 in this instance wasn't the appropriate
23 standard and they wanted to take additional measures,
24 that's their expertise, that's their responsibility. If
25 the CPSC felt there was additional guidance that needed to

1 be done, we would have been responsive to whatever the
2 next level of guidance that they put out was. As we sit
3 here today, 2272 is the safety standard that's recognized
4 for this product.

5 Q Okay. And I understand, as you've said it a few
6 times, that Walmart doesn't have the expertise. I get
7 that. I get that. And so Walmart only relies upon the UL
8 2272 certification and it relies on everybody else,
9 including the manufacturer, the distributor of a product,
10 and the laboratories to advise Walmart whether anything
11 additional should be done prior to listing a product for
12 sale, correct?

13 A Correct. As a retailer, that's our position.
14 We are not experts in the product.

15 Q And as a retailer, Walmart has no responsibility
16 to the consumer to whom it's selling its products with
17 regards to whether additional testing requirements or
18 standards should be implemented, correct?

19 MR. LAFLAMME: Object to form.

20 A Walmart has proactively taken a stance to
21 require that the product that is being supplied to us be
22 listed against UL 2272, which is the recognized safety
23 standard. If there are additional design changes, you
24 know, whatever that looks like, testing that our
25 manufacturers feel like is appropriate, we encourage them

1 to do that. We're relying on their expertise.

2 Q (BY MR. AYALA) Right. And so my question was
3 different. My question was that Walmart has no
4 responsibility directly to the consumer in ensuring that
5 the products that it is selling are safe for their use and
6 consumption other than just confirming that hoverboards
7 are UL 2272 compliant?

8 MR. LAFLAMME: Object to form, asked and
9 answered as well. Go ahead.

10 A Walmart has out of concern for consumer safety
11 driven a requirement for products that we're making
12 available for sale in absence of any regulatory
13 requirement. We are requiring our assortment to be listed
14 UL 2272, which is the safety standard for these products.

15 Q (BY MR. AYALA) Walmart knows that UL 2272
16 certified hoverboards still can catch on fire and
17 overheat, correct?

18 MR. LAFLAMME: Object to form, calls for
19 speculation.

20 A Walmart understands that based on the document
21 we're looking at today from the CPSC, the CPSC has
22 acknowledged that compliance with UL 2272 cannot guarantee
23 that a hoverboard will not overheat or catch fire. We
24 have no further information than that.

25 Q (BY MR. AYALA) Nothing prevented Walmart from

1 pulling or not selling hoverboards at its stores, correct?

2 A Walmart would have been responsive to any
3 indication from a supplier that the product should be
4 discontinued. Any indication from a regulatory authority
5 that a specific product or group of products was -- posed
6 a safety risk and would have removed them from sale.

7 Q Wasn't my question, ma'am. My question was,
8 nothing prevented Walmart from initiating a stop sell or
9 from pulling hoverboards from its shelves, correct?

10 MR. LAFLAMME: Object to form, asked and
11 answered. Go ahead.

12 A Walmart removes product due to safety concern at
13 the response and expertise of either a supplier or a
14 regulatory authority.

15 Q (BY MR. AYALA) Got it. Walmart only pulls
16 products when it's told by somebody else, correct?

17 MR. LAFLAMME: Object to form.

18 A Walmart does not determine the safety of any of
19 the products that we sell. We're reliant on the
20 manufacturers, suppliers and the regulatory authorities.

21 Q (BY MR. AYALA) Do you know the process by which
22 CPSC goes about issuing safety alerts like the one we just
23 reviewed?

24 A Are you asking do I understand what it takes for
25 the CPSC to develop content for a safety alert? The

1 answer is, no, I don't know.

2 Q Okay. So did you understand my question, ma'am?

3 A If that was your question, the answer is no. If
4 that wasn't your question, I'm happy to answer it again.

5 Q Yeah, that was my question. Has Walmart ever
6 pulled a product from its shelves without the guidance or
7 requirement of CPSC or a regulatory agency?

8 A Pulled product from our shelf based on -- I'm
9 sorry?

10 Q Due to safety concerns.

11 A We would be responsive from a safety perspective
12 to removing product that was indicated as from a
13 third-party test lab as a result of our testing
14 verification, from a supplier or manufacturer, as well as
15 guidance or education from a regulatory authority.

16 Q Okay. So only when you receive guidance from a
17 regulatory authority, from the testing labs, or from the
18 supplier or manufacturer directly will Walmart consider
19 pulling a product over a safety concern from its shelves?

20 MR. LAFLAMME: Object to form. Go ahead.

21 A Those are our primary indications that would
22 lead us to remove a product for safety concerns.

23 Q (BY MR. AYALA) Walmart has never pulled a
24 product from its shelves over safety concerns on its own
25 volition outside of receiving any information from a

1 supplier, manufacturer, testing labs, or a regulatory
2 agency, correct?

3 A To my knowledge, that is not how we would
4 determine product removals for safety reasons.

5 Q So am I correct in my question, that Walmart has
6 never pulled a product on its own volition or
7 determination outside of any concerns that was received
8 from a manufacturer, supplier, testing lab, or regulatory
9 agency?

10 A To my knowledge, Walmart has never made an
11 independent determination of the safety of a product that
12 resulted in us -- in absence of supplier, manufacturer, or
13 regulatory guidance, lab testing results to pull a
14 product.

15 Q Does Walmart review warning or safety labels
16 affixed to hoverboards?

17 A Walmart does not review product warning or
18 labels associated with any of their product that we're
19 making available for sale. Review of any required warning
20 labels language is part of our product testing
21 requirements.

22 Q Does Walmart require its approved testing labs
23 to verify that warning labels are affixed to products, in
24 this case --

25 A If warning labels are required, either through